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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/668,042 09/21/00 GOOTTER

S 100281-10200

EXAMINER

PM82/1005

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SUITE 2300  
402 WEST BROADWAY  
SAN DIEGO CA 92101

EDELL, J

ART UNIT

PAPER NUMBER

3636

DATE MAILED:

10/05/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/668,042

Applicant(s)

GOOTTER ET AL.

Examiner

Joseph F Edell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. New formal drawings are required in this application because Figure 7 incorrectly illustrates the location of the locking lever on the seat support platform. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 302a, 304a, and 312. Correction is required.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - a. page 7, lines 13-14, "The content of the document is hereby incorporated by reference" should be removed;
  - b. page 8, line 18, "passe" should read "pass";
  - c. page 9, line 16, "includes a)" should be removed;
  - d. page 10, line 18, "is" should read "if";
  - e. page 11, line 3, "lock lever back 110" should read "lock lever 110 back".Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites the limitation "the seat structure receiving member" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 10 recites the limitation "said lever" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3, 4, and 8-10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,183,043 B1 to Nelson.

Nelson discloses in Figures 1-40 a quick release mounting arrangement that includes all the limitation recited in claims 1, 3, 4, and 8-10, as best understood. Nelson

shows a seat receiving structure 18 (Fig. 12) having recessed portions 338, 363 (Fig. 12) adapted to receive a pair of elongate members 16 (Fig. 12); a lever operated rotatable locking element 328 (Fig. 12) supported on the seat receiving structure that selectively engages the elongate members; and a base member 372 (Fig. 14) connected to a chassis 14 (Fig. 14) by a lever operated clamp 382 (Fig. 14) having a cam 383 (Fig. 14) cooperating with a shaft 377 (Fig. 14) to force the engagement of clamp members.

10. Claims 1, 3, and 8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,228,796 to Kao.

Kao discloses in Figures 1-4 a quick release mounting arrangement that includes all the limitation recited in claims 1, 3, and 8, as best understood. Kao shows a seat receiving structure 6, 6' (Fig. 1) having recessed portions 61, 61' (Fig. 1) adapted to receive a pair of elongate members 7, 7' (Fig. 1); a lever operated rotatable locking element 12 (Fig. 1) supported on the seat receiving structure that selectively engages the elongate members; and a base member 5 (Fig. 1) connected to a chassis 8 (Fig. 1) by a lever operated clamp 9 (Fig. 1) having a cam 91 (Fig. 1) forcing the engagement of clamp members.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao in view of U.S. Patent No. 6,213,553 B1 to Fitz.

Kao shows a quick release mounting arrangement that is basically the same as that recited in claims 2 and 6 except that it lacks a resilient biasing member, as recited in the claims. Fitz discloses a mounting arrangement similar to that of Kao wherein the seat receiving structure 6 (Fig. 3) connects to the base member 20, 20' (Fig. 3) through a resilient biasing arrangement to enable the user to sway from side to side. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the quick release mounting arrangement of Kao such that a resilient biasing arrangement operatively interconnecting the seat receiving structure with the base member, such as the mounting arrangement disclosed by Fitz. One would have been motivated to make such a modification in view of the suggestion in Fitz that the mounting arrangement provides tilting action to prevent back pain while riding.

13. Claims 4, 7, 9, and 10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao in view of Fitz as applied to claims 2 and 6 above, and further in view of U.S. Patent No. 4,836,604 to Romano.

Kao, as modified, discloses a quick release mounting arrangement that is basically the same as that recited in claims 4, 7, 9, and 10, as best understood, except that the lever operated clamp is not supported on a shaft disposed through apertures in

clamp members, as recited in the claims. Romano shows a mounting arrangement that is similar to that of Kao wherein the lever operated clamp 24 (Fig. 1) has a cam 16 (Fig. 1) and the lever 26 (Fig. 1) is rotatably supported on a shaft 14 (Fig. 1) disposed through apertures formed in the first clamp member 9 (Fig. 2) and second clamp member 5 (Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the quick release mounting arrangement of Kao such that the clamp lever is supported on a shaft that is disposed through apertures formed in the clamp members, such as the mounting arrangement disclosed by Romano. One would have been motivated to make such a modification in view of the suggestion in Romano that mounting arrangement does not require tools or assistance to adjust the attitude of the seat.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kao in view of U.S. Patent No. 4,772,069 to Szymiski.

Kao discloses a quick release mounting arrangement that is basically the same as that recited in claim 5 except that the recesses in the seat receiving structure lack detents to resist movement, as recited in the claim. Szymiski shows a mounting system similar to that of Kao wherein the seat receiving structure 50 (Fig. 2) receives the elongated member 56 (Fig. 2) in a recess 46 (Fig. 2) where a detent 38 (Fig. 2) is provided to resist movement of the elongated members with a predetermined force. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the quick release mounting arrangement of Kao such

that detents are provided to resist movement of the elongated members of the seat frame out of the recesses with a predetermined force, such as the mounting arrangement disclosed by Szymiski. One would have been motivated to make such a modification in view of the suggestion in Szymiski that mounting configuration with the detent resisting movement provides a simple mechanism for easily and rapidly adjusting the longitudinal position of the seat.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to quick release mounting arrangements:

U.S. Pat. No. 468,398 to Sherman

U.S. Pat. No. 5,286,082 to Hanson

U.S. Pat. No. 5,295,727 to Kao

U.S. Pat. No. 5,441,327 to Sanderson

U.S. Pat. No. 5,622,412 to Yamane

U.S. Pat. No. 5,775,710 to Yu

U.S. Pat. No. 6,174,027 B1 to Lemmens


16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE   
September 25, 2001

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600